



**STATE OF ILLINOIS**  
**HUMAN RIGHTS COMMISSION**

**IN THE MATTER OF:**

**THELMA LASLEY,**

**Complainant,**

**and**

**COMBINED INSURANCE CO.,**

**Respondent.**

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**CHARGE: 1998CF2212**

**EEOC: 21B981583**

**ALS NO: 10777**

**RECOMMENDED ORDER AND DECISION**

A Recommended Liability Determination (RLD) was entered in this matter on September 10, 2002. Pursuant to the RLD, Complainant, Thelma Lasley, filed an affidavit seeking attorney's fees on April 26, 2002, (*attached to Complainant's Brief*) and an updated affidavit on September 22, 2002. To date, Respondent, Combined Insurance Co., has not filed a response to the original or supplemental affidavit. This matter is ready for decision.

*Findings of Fact*

1. Complainant has requested compensation for the work of attorney Timothy M. Kelly at the rate of \$250 per hour for 92.25 hours.
2. The hourly rate requested by Attorney Kelly is reasonable and should be accepted.
3. The number of hours requested by Attorney Kelly is reasonable and should be accepted.
4. Complainant has requested compensation for the work of attorney Gabriel Antman at the rate of \$200 per hour for 76 hours.

5. The hourly rate requested by Attorney Antman is reasonable and should be accepted.
6. The number of hours requested by Attorney Antman is reasonable and should be accepted.
7. Complainant has requested compensation for the work of Attorney Christine A. Daskas at the rate of \$200 per hour for 3 hours.
8. The hourly rate requested by Attorney Daskas is reasonable and should be accepted.
9. The number of hours requested by Attorney Daskas is reasonable and should be accepted.
10. Complainant has requested compensation for the work of Attorney Christine Decke at the rate of \$200 per hour for 21.55 hours.
11. The hourly rate requested by Attorney Decke is reasonable and should be accepted.
12. The number of hours requested by Attorney Decke is reasonable and should be accepted.
13. It is not clear why the October 15, 2000 and April 8-19, 2002 entries were billed at \$85 per hour or to whom they were assigned. They are initialed EMS and RRG respectively. These entries are therefore vague and will be disregarded.
14. Complainant has requested reimbursement in the total amount of \$1020.75 for expenses.
15. Contained in the amount requested for expenses, Complainant has requested reimbursement in the amount of \$469.69 for photocopying charges.
16. Contained in the amount requested for expenses, Complainant has requested reimbursement in the amount of \$7.00 for facsimile charges.

#### Conclusions of Law

1. All previous conclusions of law in the Recommended Liability Determination are incorporated by reference.

2. A prevailing complainant may recover reasonable attorneys' fees to maintain her action.

### Discussion

The proper approach to a motion for attorney's fees is set forth in Clark and Champaign National Bank, 4 Ill. HRC Rep. 193 (1982). Under the Clark approach, the first thing to do is to determine the appropriate hourly rate for the attorney's work. The next step is to determine the number of hours reasonably spent on the case. Finally, it is necessary to decide if any additional adjustments should be made to the award. The hourly rates requested for the work of attorneys Kelly, Antman, Daskas and Decke are reasonable, as well as the number of hours that each attorney spent on the case at bar.

Respondent has not filed any response to Complainant's fee affidavit. As a result, Respondent has waived the issue of attorney's fees. Mazzamuro and Titan Security, Ill. HRC Rep. , (1989CN3464, October 21, 1991). Despite that waiver however, Complainant's fee request cannot be granted in its entirety. There are a few cuts, which should be made. Such cuts are appropriate, even in a waiver situation, when a fee petition requests payment for time that clearly is not compensable. See, White and County of Winnebago/Animal Services Dep't, Ill. HRC Rep. , (1989CA0450, April 28, 1992).

In the present case, the October 15, 2000 and April 8-19, 2002 entries are billed at \$85.00 per hour and the work was performed by persons with the initials EMS and RRG, respectively. No one with these initials was identified in Kelly's affidavit. Additionally, no one who bills at \$85.00 per hour was identified. Consequently, these entries are vague, and will be disregarded.

Next, Complainant requests reimbursement in the total amount of \$1020.75 for expenses. Contained in the amount requested for expenses, Complainant has requested reimbursement in the amount of \$469.69 for photocopying charges and \$7.00 for Faxing charges. Photocopying and Faxing costs are considered expenses that are normally included in office overhead and therefore encompassed within the hourly rate charged by the firm and not compensable, Kaiser v. MEPC American Properties, Inc., 164 Ill.App.3d 978, 518 N.E.2d 424, 115 Ill.Dec. 899 (1<sup>st</sup> District 1987).

*Recommendation*

Based upon the foregoing, it is recommended that an order be entered awarding Complainant the following relief:

- a. That the Respondent be ordered to pay to Complainant the sum of \$23,062.50 for the services rendered by Attorney Timothy M. Kelly;
- b. That the Respondent be ordered to pay to Complainant the sum of \$15,200 for the services rendered by Attorney Gabriel Antman;
- c. That the Respondent be ordered to pay to Complainant the sum of \$600 for the services rendered by Attorney Christine A. Daskas;
- d. That the Respondent be ordered to pay to Complainant the sum of \$4310 for the services rendered by Attorney Christine Decke;
- e. That Respondent be ordered to pay to Complainant the sum of \$544.06 as reimbursement for expenses reasonably incurred in the prosecution of this matter (\$1020.75 – \$469.69 – \$7);

- f. That Complainant receive all other relief recommended in the Recommended Liability Determination entered in this matter on September 10, 2002.

HUMAN RIGHTS COMMISSION

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BY:  
WILLIAM H. HALL  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED: February 25, 2003